

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,	:	
	:	
v.	:	Case No. 1:21-CR-00447-CJN-03
	:	
JOSHUA CHRISTOPHER DOOLIN,	:	
Defendant.	:	

**REPLY TO THE GOVERNMENT’S OPPOSITION TO
THE MOTION FOR MODIFICATION OF CONDITIONS OF RELEASE**

COMES NOW, Joshua Christopher Doolin, through counsel, Allen H. Orenberg, to respectfully reply to the government’s opposition (Doc. 36) to defendant’s motion to modify his conditions of release (Doc. 35).

Notwithstanding the government’s belief that the “defendant has demonstrated a tendency toward violence and a willingness to impede and obstruct the right and lawful function of government,” (govt. opp. at 17) Mr. Doolin is not a man prone to violence nor is he a danger to the community. It is troubling to Mr. Doolin that the government has opposed this motion to modify conditions of release with unfounded speculation as to the facts and non-sequiturs. Ultimately, the government’s reasoning is flawed and such is an affront to due process.

The government mistakenly asserts and assumes facts not in evidence when it states Mr. Doolin “engaged in a coordinated effort to attack law enforcement officers at the U.S. Capital.” (govt. opp. at 4) It is unfair for the government to rely upon a kind of guilt-by-association with others who are more severely charged in the

same Indictment. The fact of the matter is Mr. Doolin is charged only two misdemeanors (Counts 16 & 17) and nothing in the discovery provided to date contains any clear indicia of violence by him.

The government asks the Court to infer that Mr. Doolin is prone to violence because text messages sent on January 5, 2021, refer to a weapon and ammunition. (govt. opp. at 5, 16 – 05 Jan 2021 05:07:44 & 05:09:33). There is no evidence that Mr. Doolin brought a weapon or ammunition to the Nation's Capital on January 5-6, 2021. And it is counsel's understanding that no weapons/ammunition were seized in connection with Mr. Doolin's arrest on June 30, 2021.

The government further suggests that Mr. Doolin expressed his intention to "storm" the Capitol on January 6th and that he "anticipated that violence would occur and enthusiastically welcomed," because he texted that he "wouldn't mind dying with my family storming the capital on my birthday." (govt. opp. at 6, 16 – 06 Jan 2021 11:27:37). This assertion as to Mr. Doolin's expressed (texted) intention(s) is merely rank speculation and conjecture by the government.

The government relies on *United States v. Munchel*, 21-cr-118, Dkts. 61, 62; 991 F. 3d 1273, 1283 (D.C. Cir., March 26, 2021) in its Opposition. However, another Judge of this Court recently vacated the GPS location monitoring requirement in a non-related January 6th prosecution involving a serious felony charge. *See United States v. Alex Harkrider*, 21-cr-117-TFH-02, (Minute Entry, July 30, 2021 – "Defendant's (39) MOTION to Modify Conditions of Release; heard and

granted. The Location Monitoring component is LIFTED”)

Mr. Harkrider is charged with a violation of 18 U.S.C. § 1752(a)(1) and (b)(1)(A) and 18 U.S.C. § 1752(a)(2) and (b)(1)(A). Defendant Harkrider is also alleged to have carried and have readily accessible, a dangerous weapon, that is a tomahawk axe, on the United States Capitol Grounds in violation of 40 U.S.C. § 5104(e)(1)(A)(i). Despite the existence of more troubling facts and allegations as to Mr. Harkrider, Judge Hogan determined that he could be properly supervised with GPS monitoring.

Mr. Doolin (age 23) is an excellent candidate for pre-trial supervision without the necessity of GPS monitoring. He was employed as fire-fighter/EMT and he has no criminal record. It is believed he is in full compliance with conditions of release to date.¹ He is currently employed full time, and he possesses an excellent reputation in his community for being a good family man, devoted to his faith, hardworking, and for being a contributing member of his community – as evidenced by previously submitted “character support” letters.

Furthermore, Mr. Doolin regularly exercises (approx. 5 times weekly) by either “working-out” at a local gym or by playing basketball. He reports that the GPS anklet on his left leg is not only a hindrance to his exercise regimen, but that

¹ Counsel has requested U.S. Pre-Trial Services (both in DC & MDFL) to provide a compliance status update as to Mr. Doolin – which has not yet been produced by either U.S. Pre-Trial office.

he has developed annoying blisters as a result of wearing the device.

Mr. Doolin's life in Polk City, Florida, has been completely upended following his arrest on June 30, 2021. He was terminated as a Fire-fighter/EMT as a result of his arrest on June 30, 2021. He reports that local press outlets occasionally publish inaccurate and/or incomplete information about him and the events of January 6th. Consequently, some members of his community criticize and chastize him. All he is asking this Court to do is vacate the release condition of "Stand Alone Monitoring" (GPS ankle bracelet), which is not the "least restrictive" condition of release appropriate under all of the facts and circumstances of Mr. Doolin's alleged involvement with the two charged misdemeanors.

There is no threat to the community posed by Mr. Doolin which is evidenced by his perfect record of compliance since his release, as well as his employment history and the significant community support for him. The combination of conditions that were ordered when Mr. Doolin was initially released, without the GPS electronic monitoring, will assure this Court of the safety of the community and his presence at all required court proceedings. Mr. Doolin can be effectively supervised and monitored without the GPS electronic location monitoring. This can be done by regular telephone contacts, emails, texts and home visits with his local supervising U.S. Pre-Trial Services Officer.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of August, 2021, a copy of the foregoing Reply To The Government's Opposition To The Motion For Modification Of Conditions Of Release was delivered to case registered parties by the CM/ECF court system, and by direct e-mail to AUSA Benet J. Kearney.

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Allen H. Orenberg